

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT

IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 2018-018704-CA-01

DEUTSCHE BANK NATIONAL TRUST COMPANY,

Plaintiff,

v.

MARIO MIRABAL,

Defendant.

DEFENDANT'S MOTION FOR HEARING ON PRESERVATION OF ORIGINAL DOCUMENTS AND
SEALED MOTION FOR IN-CAMERA REVIEW UNDER PROTECTIVE ORDER

COMES NOW, the Defendant, Mario Mirabal, pro se, and respectfully moves this Court to set a hearing on the following motions, including a sealed motion hand-delivered to chambers. In support of this request, Defendant states as follows:

I. INTRODUCTION

On 3.19.2025, Defendant filed a motion titled "TO PRESERVE ORIGINAL DOCUMENTS, OBJECT TO ORDER AUTHORIZING SUBSTITUTION OF PHOTOSTATIC COPIES AND CERTIFY RETURNED DOCUMENTS."

On 3.24.2025 Defendant also hand-delivered to chambers a Sealed Motion for In-Camera Review and Protective Order which addresses critical issues involving federal scrutiny and protective measures.

Both motions are essential to ensuring that this Court is properly informed and that the integrity of the evidence is preserved for ongoing state and federal proceedings.

II. BACKGROUND

Defendant's Sealed Motion for In-Camera Review and Protective Order was submitted to address matters involving federal oversight and scrutiny.

Defendant has filed other related motions to ensure that this Court is properly informed of ongoing federal proceedings and appellate jurisdiction.

Defendant has also filed Motions :

03/24/2025 34678:3821 Lis Pendens

03/04/2025 Emergency Motion for Stay

01/01/2025 TO ALERT THE COURT OF FRAUD, MATERIAL OMISSION, AND REQUEST FOR JUDICIAL COORDINATION AND RELIEF

12/16/2024 OF SUPPLEMENTAL FILING REGARDING FRAUDULENT CONVEYANCE

12/12/2024 Request for Hearing

11/07/2024 UNadjudicated MOTION FOR RELIEF PURSUANT TO RULE 1.540(B) for fraud and collusion

The integrity of original documents filled by Deutsche Bank and PHH mortgage and evidence is critical to the proper adjudication of this case and related federal proceedings.

III. FEDERAL REVIEW AND SCRUTINY

Federal Review and Scrutiny:

Defendant respectfully informs this Court that related issues in this case are currently under federal review and scrutiny, including ongoing proceedings before the Eleventh Circuit Court of Appeals and matters pending under federal oversight.

The preservation of original documents is essential to ensure proper adjudication in both state and federal jurisdictions.

The failure to preserve and authenticate original documents could significantly impact and undermine the federal review process.

The Sealed Motion for In-Camera Review and Protective Order was specifically delivered to chambers due to the sensitive nature of the issues involved and the need for careful handling under protective measures.

IV. Timeline of Fraud and Obstruction:

2010:

Standing Issues Begin: IndyMac Bank, F.S.B. ceases to exist as a corporate entity.

Despite this, a fraudulent assignment is made to Deutsche Bank National Trust Company after IndyMac's dissolution, calling into question Deutsche Bank's standing.

2021:

PHH Mortgage, acting on behalf of Deutsche Bank, negotiates a Continued Settlement Agreement in Judge Bokor's court for a settlement amount of \$590,000.

This agreement was documented and understood to be a final resolution of the matter, allowing for a reasonable resolution to the ongoing dispute.

2022:

Contract with KP Investments: Defendant signs a contract with KP Investments Miami, LLC.

Immediately following this agreement, Deutsche Bank and PHH Mortgage reneged on the \$590,000 settlement, increasing the demand to \$1.3 million without justification.

KP Investments files a One-Count Specific Performance Suit, falsely claiming that Defendant refused to conduct title work, despite the fact that title work had already been completed.

2022 - 2023:

Coordinated Manipulation of Separate Courts: Deutsche Bank and KP Investments engage in a pattern of filing actions and making false representations across multiple courts to confuse and mislead the judicial process.

Fraud and Perjury in Judge Miller's Court:

Carlos Perez, representing KP Investments, commits perjury during deposition.

Admits his counsel was aware of defendants foreclosure and settlement , knowledge that defendant was having difficulties reaching deutsche bank , admits that his counsel engaged in conversations with counsel for Phh and or Deutsche Bank prior to filing specific performance suit.

The deposition of Carlos Perez containing this evidence was never filed by Ticktin Law Firm, thereby depriving Judge Miller of critical information that would have exposed the fraud.

Further , Counsel for KP Investments in the specific performance case, Kenneth Damas, then a partner at the Law Offices of Adorno & Cunill, PL (now operating independently but still serving as counsel for KP Investments in related state and federal cases), committed perjury at trial before Judge Miller by falsely representing that approximately \$400,000 would remain for the Defendant if the contract was enforced.

Damas made this assertion while knowingly concealing the fact that Deutsche Bank, with whom he was in contact prior to filing suit, was by now demanding more than the agreed contract amount of \$1.3 million. This deliberate misrepresentation was intended to create the illusion of

financial benefit to the Defendant when, in reality, enforcement of the contract would force the Defendant to sell at a substantial deficit.

2023:

Bankruptcy Filing: Defendant files for bankruptcy in an effort to make the original settlement negotiation work and resolve the matter through court-supervised means.

Misrepresentation and Manipulation by Deutsche Bank and KP Investments:

They work together to mislead the bankruptcy court and circumvent judicial oversight.

Warranty deed executed while Defendant is under stay and protection.

2023 -2024:

Misleading Statements to Judge Brinkley Case NO 2018-018704-CA-01 Now Before This Court:

Deutsche Bank represent to Judge Brinkley that a payoff has been received, suggesting that all parties had reached an amicable settlement, while concealing the fact that the property had already been conveyed.

2024 -2025:

Federal Scrutiny and Additional Filings:

Defendant files Lis Pendens and multiple motions in state and federal courts to challenge

fraudulent conveyances.

V. RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests that this Honorable Court:

Set a hearing to address the following motions:

Motion to Preserve Original Documents, Object to Order Authorizing Substitution of Photostatic Copies and Certify Returned Documents.

Sealed Motion for In-Camera Review and Protective Order (Hand-Delivered to Chambers).

Acknowledge the receipt of the Sealed Motion hand-delivered to chambers and schedule a hearing to address it under appropriate protective measures.

Recognize the ongoing federal review and scrutiny of related issues and provide adequate consideration to ensure proper adjudication of all matters before this Court.

Grant any other relief this Court deems just and proper.

Respectfully submitted,

Mario Mirabal

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_____ /

CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT (CIP)

Pursuant to 11th Cir. R. 26.1-1, the undersigned, Mario Mirabal, hereby certifies the following list of all persons and entities known to have an interest in the outcome of this case:

Plaintiff:

Deutsche Bank National Trust Company (Plaintiff)

Attorney: Mehwish A. Yousuf, B#: 92171

Attorney: Tyrone Adras, B#: 107294

Defendants:

Mario Mirabal (Defendant)

Ariana Birencwajg (Defendant)

State of Florida Department of Revenue (Defendant)

Related Parties (Due to Fraudulent Warranty Deed):

KP Investments Miami, LLC (Related Party due to fraudulent conveyance and collusion allegations)

Attorney: Kenneth Damas, Esq. (Counsel for KP Investments Miami, LLC)

Attorney: John Cunill, Esq. (Counsel for KP Investments Miami, LLC)

Other Potentially Interested Parties (Federal Review/Investigation):

Eleventh Circuit Court of Appeals (Case Nos. 25-10858 and 25-10862)

Respectfully submitted,

Mario Mirabal

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